

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:04CR162-P-D

ERIC BRADSHAW,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Eric Bradshaw's sixth Motion to Continue Trial Setting [35-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for September 26, 2005. Defense counsel avers that he has been recently instructed by the Fifth Circuit Court of Appeals that he has an oral argument set for the week of September 26, 2005 in the case of *U.S. v. McCrimmon*. Accordingly, he asks for a continuance of this trial

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from September 26, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to defend his client. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Eric Bradshaw's sixth Motion to Continue Trial Setting [35-1] is hereby
GRANTED;

(2) Trial of this matter is continued until Monday, November 14, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from September 26, 2005 to November 14, 2005 is excluded as set out above;

(4) The deadline for filing pretrial motions is October 24, 2005; and

(5) The deadline for submitting a plea agreement is October 31, 2005.

SO ORDERED, this 19th day of August, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE